IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14676 of 2004

Between:

Md.Siraj Ahmed @ Siraj Md S/o Md.Younus,
R/o H.No.8-2-704/5, Khaja Nagar, Humayun Nagar,

Hyderabad

..... PETITIONER

AND

The Regional Passport Officer, Passport Office,

SECUNDERABAD

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue the writ or orders more particularly *Writ of Mandamus* declaring the action of the respondent not considering the representation of petitioner for correction of date of birth in the passport and not making the change of date of birth in the passport arbitrary illegal and void and apart from the letter and spirit of constitution of India and consequently direct the respondent to correct the date of birth as 10-08-1979 instead of 25-01-1973 in passport No.A0830148 issued on dated 18-04-1996 and issue passport to the petitioner.

Counsel for the Petitioner: MOHD.MUMTAZ PASHA
Counsel for the Respondent: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court made the following:

ORDER:

Heard both sides.

This writ petition is filed seeking a declaration that the action of the respondent in not correcting the date of birth of the petitioner as 10.08.1979 instead 25.01.1973 in the passport bearing No.A-0830148 issued on 18.04.1996 as arbitrary and illegal.

The petitioner states that he obtained passport on 18-04-1996 in which his date of birth, by mistake, was wrongly mentioned as 25.01.1973 instead of 10-08-1979. He further states that his correct date of birth, according to his school records is 10-08-1979 and therefore he approached the respondent seeking correction of date of birth in the passport. However, the respondent refused to take any action. Hence, this writ petition.

As held by this Court in a judgment in **Mohammad Dilawar Shariff v. Union of India, represented by its Secretary, Ministry of External Affairs, New Delhi and another** correction of Date of Birth in the passport once issued is not permissible. However, it is to be noted that subsequently, the Government of India, Ministry of External Affairs has issued a circular dated 18-04-2001, under which it is now permissible for the Regional Passport Officer to affect the corrections under certain circumstances specified under the circular.

In the circumstances, the writ petition is disposed of granting liberty to the petitioner to make an appropriate application together with the material to substantiate his correct date of birth within two weeks from today, in which event, the respondent shall consider the same in terms of the circular dated 18-04-2001 and pass appropriate; orders in accordance with law within a period of four weeks thereafter.

Accordingly, the writ petition is disposed of. No costs.

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(G. ROHINI,J)

Date: 03.12.2004

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Passport Officer, Passport Office,

SECUNDERABAD

2. Two C.D. copies